

From: Brown, Robby L (DelDOT) <Robby.Brown@delaware.gov>
Sent: Thursday, September 30, 2021 3:23 PM
To: Deborah Botchie <DBotchie@mvtown.com>
Subject: RE: BMP 333 – p/o 134-12.00-398.00 and p/o 134-12.00-398.01

Hi Deborah!

I hope you're having another wonderful day.

In short, there are the following three options that we could pursue to allow your proposed uses of the referenced lands:

- The town purchase the property and pay fair market value. This in my opinion would be the second fastest option. With this option, DelDOT would preserve transportation interests up front and convey the lands to the town in FEE.
- The town request that DelDOT transfer the lands to the town. In this option and because we acquired the land with federal-aid, federal approval would be necessary. The FHWA (Federal Highway Administration) would likely require you to hire an Engineering firm/architect to draft plans for their review. When conveyances/transfers to government agencies are for less than fair market value, it would require we have reversionary language in the deed in the event the town no longer needed the land interest. Also, interests or ROW required for future projects would be re-acquired by DelDOT at no-cost. Again, with this option, we would need to assure we've preserved our interests with regard to current easements, agreements, and the pond. This would be the lengthiest option.
- The last option would be a long-term license agreement between the town and DelDOT. As mentioned, I would recommend the agreement be recorded at the county level to assure both the town and DelDOT are covered. The agreement should be vetted by both the town and DelDOT to accomplish and preserve everyone's interests. While DelDOT would retain ownership, the town would be permitted to utilize the parcel according to the terms everyone agrees upon. In my opinion, this would be the fastest option.

Please let me know if you have any questions or if I can be of any further assistance.

Robby L. Brown

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